

Notice of Allowability

Application No.

10/648,640

Examiner

Marc S. Zimmer

Applicant(s)

BUCKLEY ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06/08/05 and the interview conducted on August 22, 2005.
2. ☒ The allowed claim(s) is/are 1-3, 7-16, 18-24, 26-64, 68, 69, 71-74 and 77-112.
3. ☒ The drawings filed on 26 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Roberta Pelletier on August 22, 2005.

The application has been amended as follows:

In claim 1, please replace the phrase "wherein the poly(arylene ether) is purified prior to the combining, the mixture is purified, or a combination of the foregoing" with

-- wherein the mixture is optionally purified --

In claim 78, please replace the phrase "wherein the poly(arylene ether) prior to combining, the poly(alkenyl aromatic) prior to combining, the poly(alkenyl aromatic) prior to combining, the mixture, or a combination of the foregoing is purified;" with

-- wherein, prior to combining, the poly(arylene ether), the poly(alkenyl aromatic),
or both are purified
and/or
the mixture is purified subsequent to combining --.

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In claim 107, please replace the phrase "wherein the poly(alkenyl aromatic) prior to combining, the mixture, or a combination of the foregoing is purified" with

-- wherein the poly(alkenyl aromatic) is purified prior to combining and/or the mixture is purified subsequent to combining --.

The following amendments were deemed necessary by the Examiner to deconvolute the numerous concepts presented by the aforementioned phrases and, further, to explicitly delineate when the different manipulations were to be carried out.

Applicant has amended claim 63 so that it now requires that one or more of the manipulations set forth therein is performed in an inert atmosphere which for the purposes of examination, has been taken to mean an atmosphere that will not bring about a chemical change in the polymeric materials, and is devoid of particles that would add an impurity to the mixture. Applicant is indeed correct that the reference cited in this prosecution does not mention this aspect nor is it clear from the related prior art that such drastic measures are needed. (It is appreciated that such a measure would clearly bring even greater reductions in the number of impurities present in the polymer mixture and, hence, the optical article derived therefrom but it is also disadvantageous from an economic perspective and the prior art doesn't indicate that the levels of purity targeted by Applicant are necessary, or even desirable, for manufacturing optical articles.

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As for claim 1, the prior art teaches in numerous documents that residual catalyst may be removed from polyarylene ether by employing aqueous wash solutions of chelating materials. However, this is not disclosed in the context of a more expansive method of purifying mixtures of polyarylene ether and poly(alkenyl aromatic) and it is believed that more than this operation is required to obtain a mixture having the degree of purity mandated by the claim.

The other claims are allowable for reasons made of record, i.e. that specific elements of the mixing apparatus are not disclosed nor is it clear that they could be incorporated therein in concert with the other elements required of the apparatus disclosed by *Moritani*, e.g. the sintered filter installed in the end part of the screw barrel.

For all of these reasons, claims 1-3, 7-16, 18-24, 26-64, 68-69, 71-74, and 77-112 are allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc S. Zimmer whose telephone number is 571-272-1096. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on 571-272-1302. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 22, 2005

Marc Zimmer
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